

GARMAN TURNER GORDON LLP  
DYLAN T. CICILIANO  
Nevada Bar No. 12348  
Email: dciciliano@gtg.legal  
7251 Amigo Street, Suite 210  
Las Vegas, NV 89119  
Tel: (725) 777-3000  
Fax: (725) 777-3112

CHRISTINA MICHELLE MORGAN (*Pro Hac Vice*)  
BUCHALTER, A PROFESSIONAL CORPORATION  
655 W. Broadway, Suite 1600  
San Diego, CA 92101  
Tel: (619) 219-6329  
*Attorneys for Defendant Nations Direct Mortgage, LLC*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

IN RE: NATIONS DIRECT MORTGAGE,  
LLC, Data Breach Litigation

Lead Case No. 2:24-CV-00595-ART-NJK

**SCHEDULING ORDER**

***“Special Scheduling Review Requested”***

Pursuant to the Court Order filed on August 26, 2024 [ECF No. 28], Plaintiff Harry Medina (“Medina”) and Plaintiff Danny Allen (“Allen”) (Medina and Allen are sometimes collectively referred to as “Plaintiffs”), and Defendant Nations Direct Mortgage, LLC (“Defendant”), through their respective undersigned counsel, hereby submit the following Rule 26(f) Joint Discovery Plan and Proposed Scheduling Order (“Discovery Plan”).

**A. Meeting for Joint Discovery Plan**

The following persons participated in a Rule 26(f) and LR 26-1(a) conference on Thursday, September 5, 2024, by telephone conference: Lisa White, Esq., of Mason LLP; Mona Amini, Esq., of Kazerouni Law Group, APC; and Tyler Bean, Esq., of Siri & Glimstad, LLP, on behalf of Plaintiffs Harry Medina and Danny Allen; and David M. Liu of Buchalter, on behalf of Defendant Nations Direct Mortgage, LLC.

This case involves two consolidated class action complaints: (i) *Medina* (formerly *Bivona-Truman, et al.*) v. *Nations Direct Mortgage, LLC*, No. 2:24-cv-00595; and (ii) *Allen v.*

1 *Nations Direct Mortgage, LLC*, No. 2:24-cv-00614. [ECF No. 23.] The third related  
 2 action, *Brown v. Nations Direct Mortgage, LLC*, No. 2:24-cv-00697, was voluntarily dismissed.  
 3 [ECF No. 26.]

4 The Parties sought an early mediation in this matter on July 2, 2024 before the Honorable  
 5 Morton Denlow (Retired) of JAMS. Based on this early mediation effort, the Parties sought a  
 6 stay of the entire action. [ECF No. 24.] The Parties did not settle the matter as detailed in the  
 7 Parties' Joint Status Report. [ECF No. 27.] In the Joint Status Report, the Parties agreed to  
 8 proceed with certain deadlines as set forth below.

9 Due to the nature of the consolidated class actions and the Parties' attempt for an early  
 10 informal resolution, the Parties are seeking a Special Scheduling Order for this matter.

11 **B. Appointment of Interim Class Counsel**

12 Plaintiffs filed and served their motion to appoint class counsel on Wednesday,  
 13 September 11, 2024. [ECF No. 29.]

14 **C. Initial Disclosures**

15 The Parties will serve their initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) on or  
 16 before Friday, September 20, 2024.

17 **D. Filing and Service of CCAC**

18 Plaintiffs will file and serve their Consolidated Class Action Complaint ("CCAC") by  
 19 Friday, October 18, 2024.

20 **E. Response to CCAC**

21 NDM will respond to the CCAC by Monday, December 2, 2024.

22 **F. Discovery Plan Local Rule 26-1(b)(1)**

23 Pursuant to LR 26-1(e)(1), the Parties request that discovery begin from the date after  
 24 NDM's December 2, 2024 response to the CCAC. The discovery deadlines herein have been  
 25 calculated from that date. The reasoning behind the delay in discovery is because the case is not  
 26 currently at issue while the parties await the filing of the CCAC to determine (i) the named  
 27 plaintiffs, (ii) the causes of action arising under Nevada, California or federal law, (iii) the form  
 28 of damages alleged by plaintiffs, i.e., statutory, contract and/or tort, (iv) the alleged damages to

the named plaintiffs, and (iv) the alleged damages to the proposed class.

**G. Discovery Cut-off Dates**

1. **Discovery Cut-Off:** [LR 26-1(b)(1)]

June 2, 2025 (180 days after Defendant's response to the CCAC was filed).

2. **Deadline for Amended Pleadings and Adding Parties:** [LR 26-1(e)(2)] March 4, 2025 (90 days before discovery closes).

3. **Deadline for Disclosures of Experts:** [LR 26-1(e)(3)]

a. **Initial Expert Disclosures:**

April 3, 2025 (60 days before discovery closes).

b. **Rebuttal Expert Disclosures:**

May 5, 2025 (33 days after initial expert disclosures, 30 days falls on a weekend).

4. **Motion for Class Certification and Dispositive Motions:** [LR 26-1(e)(4)] July 2, 2025 for filing and service of any motion for class certification and motions for summary judgment (30 days after close of discovery).

5. **Joint Pre-Trial Order:** [LR 26-1(e)(5)]

August 1, 2025 (not later than 30 days after the Court's order on any motion for class certification and motions for summary judgment).

**H. Local Rule 26-1(b)(7) – Alternative Dispute Resolution**

In compliance with LR 26-1(b)(7), the parties jointly certify that they have met and conferred about the possibility of using alternative dispute resolution processes including mediation and arbitration. Additionally, the parties in compliance with LR 26-1(b)(8) considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and FRCP 73 and the use of the Short-Term Trial Program.

The parties will continue to discuss the possibility of settlement of this matter.

**I. Additional Provision**

1. **Motions *in Limine***

The parties jointly propose that any motions *in limine* must be filed 30 days prior to trial.

1 The parties further propose that any oppositions to motions *in limine* must be filed 14 days after  
2 the motions *in limine* are filed.

3 **2. Disclosure or Discovery of Electronically Stored Information**

4 The parties will produce electronically stored information according to a Stipulated  
5 Protective Order. A copy of the Model Order is attached as **Exhibit A**.

6 **3. Email Service**

7 The parties have agreed that, to the extent possible in light of the volume of the  
8 submission, all court filings, to the extent not served through ECF (*e.g.*, filings under seal), will  
9 be served via email, and such service shall constitute proper service under Fed. R. Civ.  
10 P. 5(b)(2)(E). The parties have further agreed that each party may serve discovery, in lieu of  
11 other service methods, by email under Fed. R. Civ. P. 5(b)(2)(E) on all counsel who have entered  
12 an appearance on behalf of the party to be served. If transmission of voluminous materials as an  
13 email attachment is impractical, those materials shall be sent via an FTP service or by overnight  
14 delivery, using a service having the ability to track deliveries and verify receipt.

15 **J. Extensions or Modifications of the Discovery Plan and Scheduling Order**

16 LR 26-3 governs modifications or extensions of this Discovery Plan and Scheduling  
17 Order. Any stipulation or motion regarding discovery must be made not later than 21 days  
18 before the expiration of the subject deadline.

19  
20  
21  
22 IT IS SO ORDERED  
Dated: September 23, 2024

  
Nancy J. Koppe  
United States Magistrate Judge